

Appl. No. 10/740,261
Docket No. 9475
Reply dated August 18, 2006
Reply to Office Action mailed on July 13, 2006
Customer No. 27752

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REMARKS

Claim 1 has been amended to define the claimed invention with greater specificity by emphasizing that the fibrous structure comprises a non-random pattern of the mixture of short cellulosic fibers and synthetic fibers. Support of this amendment is found in the Specification, especially at page 10, lines 30-33, Figures 9 and 10 and the Claims as originally filed.

Claims 1-6, 8-15, 17-20 and 22 are pending. No additional claims fee is believed to be due.

Claim Objections

Claim 22 is objected to by the Examiner under 37 CFR 1.75(c) as allegedly being in improper dependent form for failing to further limit the subject matter of the previous claim.

Applicants respectfully submit that Claim 22 is in proper dependent form as a result of the amendment to Claim 1. Accordingly, Applicants respectfully request withdrawal of this objection.

Rejections Under 35 USC §112, First Paragraph

Claims 1-6, 8-15, 17-20 and 22 are rejected by the Examiner under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully submit that Claim 1, as amended, complies with the written description requirement and that Claims 2-6, 8-15, 17-20 and 22, all of which ultimately depend from Claim 1, as amended, comply with the written description requirement. Accordingly, Applicants request withdrawal of this rejection.

Claims 1-6, 8-15, 17-20 and 22 are rejected by the Examiner under 35 USC 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Applicants respectfully submit that Claim 1, as amended, complies with the enablement requirement and that Claims 2-6, 8-15, 17-20 and 22, all of which ultimately depend from Claim 1, as amended, comply with the enablement requirement. Accordingly, Applicants request withdrawal of this rejection.

Appl. No. 10/740,261
Docket No. 9475
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Rejection Under 35 USC 103 (a) Over U.S. Patent No. 5,538,595 in View
of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

Claims 1, 5-6, 17-20 and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan") in view of U.S. Patent No. 5,350,624 to Georger, et al. ("Georger") or U.S. Patent No. 6,617,490 to Chen, et al. ("Chen"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers, one of which comprises long cellulosic fibers and another of which comprises short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be used in combination with cellulosic fibers. The Examiner recognizes that Trokhan fails to teach a specific arrangement of cellulosic and synthetic fibers. Accordingly, the Examiner attempts to overcome the deficiencies of Trokhan by combining the teachings of Georger and/or Chen with the teachings of Trokhan. The Examiner asserts that Georger and Chen both teach arranging cellulosic fibers and synthetic fibers in a non-random pattern within a fibrous structure to provide capillary pressure gradients for fluid transportation, to increase tensile strength and/or to improve abrasion resistance. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cellulosic and synthetic fibers of Trokhan in a non-random pattern as taught by Georger or Chen.

Applicants appreciate that Georger teaches a layer (a mixture) of short cellulosic fibers and synthetic fibers wherein the exterior surfaces of the layer have a higher concentration of synthetic fibers than the interior of the layer. Accordingly, Applicants respectfully submit that Georger teaches that short cellulosic fibers and synthetic fibers may be arranged in a non-random pattern within the layer. However, Applicants respectfully submit that Georger fails to teach or suggest that its layer (mixture) of short cellulosic fibers and synthetic fibers, as a whole, is arranged in a non-random pattern within a fibrous structure that also comprises a layer of long cellulosic fibers (as exemplified, for example, in Fig. 10 of the present application).

Applicants appreciate that Chen teaches a composite material; namely, a single layer comprising a mixture of pulp fibers and polymer, "such as the materials disclosed in Georger." However, like Georger, Applicants respectfully submit that Chen fails to teach

Appl. No. 10/740,261
Docket No. 9475
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Customer No. 27752

or suggest that its layer (mixture) of short cellulosic fibers and synthetic fibers, as a whole, is arranged in a non-random pattern within a fibrous structure that also comprises a layer of long cellulosic fibers (as exemplified, for example, in Fig. 10 of the present application).

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen because the combined teachings fail to teach each and every element of Claim 1, as amended. More specifically, Applicants respectfully submit that Trokhan, Georger and Chen, alone or in combination, fail to teach that their fibrous structures comprise a non-random pattern of a mixture of short cellulosic fibers and synthetic fibers.

Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan in combination with Georger and/or Chen. MPEP 2143.03. Further, Applicants submit that Claims 5-6 and 17-20 and 22, which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Trokhan in combination with Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all three of which are described above, and further in view of U.S. Patent No. 6,548,731 to Mizutani et al. ("Mizutani"). Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, discussed above, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of WO 93/14267

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all

Appl. No. 10/740,261
Docket No. 9475
Reply dated August 18, 2006
Reply to Office Action mailed on July 13, 2006
Customer No. 27752

three of which are described above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, discussed above, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all three of which are described above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, discussed above, is not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of U.S. Patent Nos. 5,405,499 or 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all three of which are described above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Claims 13 and 14, which ultimately depends from Claim 1, as amended, discussed above, is not rendered obvious over the combined teachings of Trokhan, Georger, Chen, Vinson and Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Appl. No. 10/740,261
Docket No. 9475
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Customer No. 27752

Rejection Under 35 USC 103 (a) Over Trokhan in View

of U.S. Patent No. 6,548,731

Claims 1-3, 5-6, 17-20 and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, described above, in view of U.S. Patent No. 6,548,731 to Mizutani ("Mizutani"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers, one of which comprises long cellulosic fibers and another of which comprises short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be used in combination with cellulosic fibers. The Examiner asserts that Mizutani teaches arranging cellulosic fibers and synthetic fibers in a non-random pattern within a fibrous structure to form an absorbent article that passes a large amount of liquid so as to keep the surface dry. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cellulosic and synthetic fibers of Trokhan in a non-random pattern as taught by Mizutani.

Applicants appreciate that Mizutani teaches a layer (a mixture) of short cellulosic fibers and synthetic fibers. However, Applicants respectfully submit that Mizutani fails to teach or suggest that its layer (mixture) of short cellulosic fibers and synthetic fibers, as a whole, is arranged in a non-random pattern within a fibrous structure that also comprises a layer of long cellulosic fibers (as exemplified, for example, in Fig. 10 of the present application).

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani because the combined teachings fail to teach each and every element of Claim 1, as amended.

Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan in combination with Mizutani. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 5-6 and 17-20 and 22, which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Trokhan in combination with Mizutani. MPEP 2143.03.

Appl. No. 10/740,261
Docket No. 9475
Reply dated August 18, 2006
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Customer No. 27752

Rejection Under 35 USC 103 (a) Over Trokhan in View
of Mizutani and further in view of WO 93/14267

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, discussed above, are not rendered obvious over the combined teachings of Trokhan, Mizutani and Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View
of Mizutani and further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, discussed above, is not rendered obvious over the combined teachings of Trokhan, Mizutani and Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View
of Mizutani and further in view of U.S. Patent Nos. 5,405,499 or 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Claims 13 and 14, which ultimately depends from Claim 1, as amended, discussed above, is not rendered obvious over the combined

Appl. No. 10/740,261

Docket No. 9475

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teachings of Trokhan, Mizutani, Vinson and Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

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Date: January 8, 2007

Customer No. 27752

(Amendment-Response to Office Action.doc)
Revised 04/25/2006